

PROPOSED AGENDA
COUNCIL MEETING
September 20, 2011
7:00 PM

CALL TO ORDER – Mayor Sammy Phillips
PLEDGE OF ALLEGIANCE
INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

Agenda Packet Page

APPROVAL OF MINUTES

September 6, 2011 – Special Workshop Meeting	2
September 6, 2011 – Regular Meeting	5
September 9, 2011 – Emergency Meeting	16

PUBLIC COMMENT

NEW BUSINESS

CONSENT ITEMS

1. Authorization to Condemn Financial Guarantees	19
2. Budget Amendment – 2011 JAG	22
3. Voluntary Annexation Petition – BHP Western - 5.57 Acres	26
4. Tax Releases, Refunds, and Write Offs	32
5. Leachate Agreement with Onslow County	38

NON- CONSENT ITEMS

6. Bid Award - Barrus Lift Station Project	47
7. Bid Award - FY11-12 Street Reclamation	51
8. Bid Award - Tallman St & Court St Road Improvements	54

PUBLIC COMMENT

REPORTS

City Council
Mayor
City Attorney
City Manager

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

September 6, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, September 6, 2011 beginning at 5:00 PM. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, and Bob Warden. Councilman Jerome Willingham was absent. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Tim Chesnutt, Recreation and Parks Director, Carmen Miracle, City Clerk; and John Carter, City Attorney. Mr. Jerome Smith, Recreation and Parks Commission member, along with various members of Recreation and Parks and Communications Division were also present.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

TRANSIT TOUR OF PARKS

The purpose of this meeting was for Council to take a transit tour of four of the City's Parks along with information and proposals as outlined in the Recreation Master Plan. Recreation staff distributed a document summarizing the proposals inclusive of various site plans. This document will be retained in the September 6, 2011 workshop exhibit file in the City Clerk's Office.

Council departed City Hall at 5:00 PM via transit bus and proceeded to the Jack Amyette Recreation Complex. Mr. Chesnutt reviewed the current status and use of the facilities and site and then outlined the proposals for future redesign and improvements.

Mayor Phillips asked about the potential to receive grant funding for the improvements. Mr. Chesnutt said staff was researching options, however, there was less chance of receiving a grant for improvements to this Park because a portion of the property was owned by the adjacent school and used jointly. Following discussion, Councilman Bittner suggested they might want to talk with the County and the School Board about the feasibility of donating the property in order to increase the chance of receiving a grant. The improvements to the property would benefit the school and City residents.

Council discussed the proposed improvements, which included expansion of the baseball field, relocating the basketball courts to the front of the site, redesigning the parking lot area and

removal of the old activity centers along the road.

Councilman Warden asked if the Boys and Girls Club were aware of the plans to remove those structures. Mr. Chesnutt said that the Boys and Girls Club typically used the space for administration and minor storage and that Mr. Marks, Director, had been advised of the plans.

Council departed Jack Amyette and traveled to Phillips Park. Prior to arriving, Mr. Chesnutt pointed out a vacant City owned lot on Queens Road which he felt would make a very nice entranceway when the Park was redesigned. Mr. Chesnutt reviewed the current site and the proposals for the future. This included removal of at least one ball field, possibly both, or revising one of them into two smaller little league fields. Proposals for improvements also included increasing the Park's water access feature and family usage. In this regard water activities such as canoeing and kayaking were suggested as well as additional picnic shelters and possibly an amphitheater. In addition, parking was a problem for the events that were scheduled at this Park. Council departed Phillips Park.

Council arrived at the Jacksonville Commons. Mr. Chesnutt briefly reviewed the proposals for the area which included a second Lacrosse field to be located behind the Toys R Us site. He pointed out the area proposed for the Bypass and reviewed the amenities of the Richard Ray All American Park.

Mayor Pro-Tem Lazzara stated that he noted a large number of walkers and visitors to this site from early morning to late in the evening. Mr. Chesnutt confirmed this was correct. Council departed from the Jacksonville Commons Recreation Complex.

Council arrived at Northeast Creek Park. Mr. Chesnutt discussed an idea to fill in two large lagoons that were no longer necessary. Filling in the lagoons would render them as future usable space. Discussions were held on the disc golf courses and their uses including national tournaments that had brought a large number of visitors to the area. Signage issues were briefly discussed and Mr. Chesnutt agreed there were issues and that staff was working on it. Council reviewed the boat launch area and discussed the replacement of the launch, bulkhead and boardwalk improvements. Mr. Chesnutt pointed out the path of destruction of the tornado that had touched down in April as well as the current hurricane debris. Adult softball fields were discussed as well as plans for another picnic shelter.

Council departed Northeast Creek Park. Mr. Woodruff reminded Council that the Recreation Master Plan was an item on their Regular Council Meeting agenda for consideration.

He said that if Council desired to approve the Plan, they could adopt the Plan ‘as a guide.’

ADJOURNMENT

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 6:27 PM.

COUNCIL MINUTES

REGULAR MEETING

September 6, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, September 6, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Lazzara led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman and unanimously approved to adopt the agenda as amended to include in Closed Session, the discussion of the property acquisition of 15 Newberry Street and properties between Old Bridge St., Highway 17 and the New River as previously discussed by Council, pursuant to General Statute 143-318.11, subsection (a-5), and a corrected Budget Amendment on Hurricane Irene Expenses for Consent Agenda Item #4.

ADOPTION OF MINUTES

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously adopted to approve the minutes of the Regular Meeting held August 3, 2011, the

minutes of a Special Workshop Meeting held August 16, 2011, and the minutes of the Regular Meeting held August 16, 2011 as presented.

PRESENTATIONS

RECOGNITION OF JACKSONVILLE RECREATION ALL-STAR TEAMS

With the assistance of Councilman Willingham, Council Liaison to the Recreation and Parks Commission, Mayor Phillips presented Certificates of Recognition to the 2011 14U Junior League All-Star Team and coaches who were runner-ups at the Little Tar Heel League 14U State Championship Tournament. He also presented Certificates of Recognition to the 2011 14U Girls All-Star Team and coaches who were runner-ups at the N.C. Statewide Athletic Committee Under-14 State Tournament. Mayor Phillips recognized both teams for their outstanding accomplishments.

ONSTLOW COUNTY PARTNERSHIP FOR CHILDREN RECOGNITION TO JACKSONVILLE POLICE AND FIRE DEPARTMENTS

Mayor Phillips announced that several members of the Jacksonville Police and Fire Departments volunteered their time to plan, coordinate, solicit and facilitate the 2nd Annual Guns and Hoses Charity Golf Tournament sponsored by the Onslow County Partnership for Children. They raised over \$8,000 for the Child Advocacy Center.

Ann Marie Raymond, Division Director, Onslow County Partnership for Children, introduced Kathleen Holbrook, Child Advocacy Center Director. Ms. Holbrook stated that the money raised was used to furnish a child-friendly waiting room for the families that visited the Center, with residual funds used to evaluate children for whom funding was not available. Ms. Holbrook presented Certificates of Appreciation to the volunteers.

PROCLAMATION – SICKLE CELL AWARENESS MONTH

Mayor Phillips read a Proclamation naming the month of September 2011 as Sickle Cell Awareness Month in the City of Jacksonville. Following the reading of the Proclamation, Cynthia Watson from the Sickle Cell Disease Association of America, Inc. – Eastern North Carolina Chapter accepted the Proclamation.

PROCLAMATION – UNITED WAY OF ONSLOW COUNTY MONTH

Mayor Phillips read a Proclamation naming the month of September 2011 as United Way of Onslow County Month in the City of Jacksonville. Following the reading of the Proclamation, Mr. Craig Wagner, Executive Director of United Way of Onslow County, accepted the Proclamation.

YARD OF THE MONTH RECOGNITIONS

With the assistance of Councilman Bob Warden, Council Liaison to the Beautification and Appearance Commission, Mayor Phillips presented the Personal Property Yard of the Month to Pam Flowers for her residence at 1000 Foscue Drive. The Business Yard of the Month was awarded to Wines & Wares, Inc. at 1 North Marine Boulevard. Neil Cockrell was unable to attend to accept his award. Mayor Phillips thanked the winners for their efforts.

RETIREMENT RECOGNITION – ORLANDO MAXWELL

Mayor Phillips introduced Grant Sparks, Public Services Director, and Johnny Stiltner, Streets Superintendent. Mr. Sparks reviewed the past service of Orlando Maxwell who retired from the Public Services Department-Streets Division after 5 years of service. Orlando worked with the City of Jacksonville as the Inmate Driver for roadside trash pickup. Mr. Sparks presented a plaque and retirement clock to Mr. Maxwell who thanked the City.

RECESS/RECONVENE

Mayor Phillips recessed the meeting for those who did not want to stay for the entire meeting at 7:35 PM. Mayor Phillips reconvened the meeting at 7:37 PM.

PUBLIC HEARINGS

REZONING FROM CU-B-1 TO B-1 – 4101 & 4175 WESTERN BOULEVARD

Ms. Mary Sertell, Senior Planner, stated that Parker & Associates, on behalf of John & Cathy Psilos of JCL Properties, has submitted a request to rezone two parcels totaling 40.4 acres from Conditional Use Business 1 (CU B-1) to Business 1 (B-1). The subject sites were located at 4101 and 4175 Western Boulevard. The conditions on the properties predominantly reference road connections and improvements on Henderson Drive, which have already been completed.

Mayor Phillips recessed the regular meeting at 7:40 PM in order to convene the Public Hearing

John Parker, 306 New Bridge St., clarified they were currently working on subdividing the parcel into as many as 16 business parcels similar to those on Western Blvd. He felt that

conditions on the property from twenty years ago should no longer apply as Special Use Permits should follow current specifications to streamline the process.

Mayor Pro-Tem Lazzara asked if a Master Plan would be associated with the whole parcel. He felt with Special Use Permits interconnectivity items should be reviewed. If zoning was changed and current plans did not proceed, Council would no longer be able to review.

Mr. Parker stated that staff was currently reviewing a Master Plan and a traffic analysis was being prepared with connectivity being reviewed; however, they were not at the point where it could be brought to Council.

Mayor Pro-Tem Lazzara asked if this change was premature. Mr. Parker stated he did not think it was premature as an overlay.

Mr. Woodruff stated that one of the disadvantages of the B-1 zoning was that it allowed the developer to move forward with conventional zoning. If for whatever reason the current development plan fell through, the conditions which could have been placed would not be there. He asked Mr. Parker when the Subdivision Master Plan would come forward for Council's review.

Mr. Parker stated the Master Plan would probably be submitted within the next 60 to 90 days. The subdivision of the land also had to be submitted to Council and that would be when Council could ensure the connectivity of the land and the roadway improvements irrespective of the zoning.

Mr. Woodruff stated Council had more legislative powers under the zoning process than under the subdivision process, but he was not suggesting the request be denied.

Councilman Bittner stated the Master Plan should be shown to Council first before deciding on the zoning change.

Mr. Parker stated that his understanding was the only reason the property was conditional use was because of the need twenty years ago to complete Henderson Drive. He was bringing it before Council now so that each time they had a perspective buyer, they wouldn't have to worry about the time it took to get a Conditional Use permit. He was just trying to streamline the process.

Mr. Woodruff stated he didn't think Council was concerned about giving up the special use of the site plan, but with 40 acres, they would like more certainty of what was going to go on the site. He asked if this was delayed for 30 days until the subdivision master plan could be

presented, would it hurt them. Mr. Parker stated it wouldn't hurt them as by then they should have the TIA draft.

Councilman Warden stated he didn't have a problem with postponing if that was the will of Council, but the property across Western Blvd. was zoned B-1 without any conditions. He didn't know what Council was gaining by keeping it conditional use at this time.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:57 PM and reconvened the regular meeting.

A motion was made by Councilman Bittner and seconded by Councilman Warden to approve the rezoning request based on Findings of Facts A, B, C, and D being found in the affirmative.

A vote was taken on the motion and was approved on a 5-1 vote, with Mayor Pro-Tem Lazzara voting "nay."

Ordinance 2011-49, Bk. 10, Pg. 507

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

NEW BUSINESS

CONSENT ITEMS

EXTENSION OF ENHANCEMENT GRANT – LEJEUNE BOULEVARD GREENWAY

The North Carolina Department of Transportation (NCDOT) and City of Jacksonville executed a municipal agreement on 8/11/2009 for the construction of a 10 foot wide asphalt greenway from the intersection of Lejeune Boulevard and Montford Point Road (Beirut Memorial) to the intersection of Lejeune Boulevard and Camp Knox Road (approximately 1.8 miles). This Agreement would extend the timeframe completing pre-construction activities including right-of-way certification to March 31, 2012 and project completion to May 1, 2013.

Council authorized the City Manager to execute the Supplemental Agreement with NCDOT to extend the timeframe for project completion to May 1, 2013.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH NCDOT TO INSPECT CITY BRIDGES

The Highway Bridge Replacement and Rehabilitation portion of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A legacy for Users (SAFETEA – LU) requires all structures defined as bridges located on public roads to be inspected on a cycle, not

to exceed two years. It was recommended that the Mayor and Council allow the State to conduct or have these inspections conducted.

Council authorized the City Manager to sign the agreement with the State for the inspection of Municipal bridges by the State.

**RESOLUTIONS FOR DESIGNATION OF AGENT FOR APPLICATIONS OF
FEDERAL/STATE ASSISTANCE AND BUDGET AMENDMENT FOR
HURRICANE IRENE EXPENSES**

A Resolution for Designation of Applicant's Agent was required by the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to disaster assistance. A Budget Amendment was also needed to cover all Hurricane Irene expenses. The President declared a State of Emergency for North Carolina which allowed for Federal reimbursement of eligible hurricane related expenses.

Council approved the Resolution for designation of Applicant's Agent for Hurricane Irene and the related budget amendment as amended to appropriate \$700,000 for Hurricane Irene expenses.

Resolution 2011-23, Bk. 6, Pg. 400
Ordinance 2011-50, Bk. 10, Pg. 509

TAX RELEASES, REFUNDS, AND WRITE-OFFS

The County/City Tax Collector and the City's Finance Director recommended releases, refunds, and write-offs of property taxes as attached. The detail list of these tax releases and refunds that included the listing by property name, amount, reason, etc. was available in the Finance Office for review.

Council approved the tax releases, refunds and write-offs.

NON-CONSENT ITEMS

**SITE PLAN WITH APPROVED CONDITIONAL USE PERMIT –
TELECOMMUNICATIONS FACILITY (CO-LOCATION) – 1164 COMMONS
DRIVE NORTH**

Ms. Mary Sertell, Senior Planner, stated the City of Jacksonville submitted a Site Plan with an Approved Conditional Use Permit for a proposed collocation on an existing water tower. If approved, the 230 square foot building that housed the telecommunications equipment would be added to the 2.1 acre site. The property was zoned Conditional Use Office and Institutional (CU-O&I) and within this district any use required a Conditional Use Permit. On October 21, 2003, City Council approved a Conditional Use Permit for several uses including Non-broadcast

Communications towers, Broadcast communication towers and public/private communication towers. The proposed use, which was now referred to as Telecommunications Antenna (collocation on existing tower) was within the constraints of the approved conditional use permit.

Councilman Bittner asked why this property was exempt from sidewalks when property owners developing property on this side of Commons North were required to put sidewalks along their property. The City Parks Department and the County were required to put sidewalks along their frontage.

Ms. Sertell stated that sidewalks were a requirement. Mr. Woodruff said he did not know why the City had not put in a sidewalk at the time the water tank was installed, but since the Planning department brought it to our attention, once the construction was complete, necessary steps would be taken to put in the sidewalk. Councilman Bittner stated it would still be sidewalks to nowhere, but at the same time the City should not be exempted from requirements that developers have to follow.

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously adopted to approve the Site Plan with an Approved Conditional Use Permit with conditions noted in the staff report.

ACCEPTANCE OF RECREATION MASTER PLAN

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Tim Chesnutt, Recreation Director, reviewed with Council the Comprehensive Recreation Master Plan, presented the results of the Military Growth Task Force Addendum, and briefly discussed initial implementation concepts to be considered. He requested that Council formally accept the plan so that it could be used for future efforts and grant applications.

Mayor Pro-Tem Lazzara thanked Mr. Chesnutt for the valuable tour of the parks and for the work his staff had done in providing their thoughts and ideas.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Bittner, and unanimously approved to adopt as a guideline the Comprehensive Recreation Master Plan as presented.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

HURRICANE IRENE EFFORTS

Mayor Phillips recognized the diligent efforts of the City of Jacksonville's staff that weathered the storm during the hurricane and all of the employees involved in the clean-up efforts. They were doing a fantastic job, starting the day after the storm and haven't stopped since then. He felt many citizens did not realize how great this task was with the limited resources available. It may be a month until the debris was all cleaned up.

Councilman Warden also thanked City staff for the fine job they did in monitoring the storm and all the work they were doing.

Councilman Thomas stated he had gotten a lot of positive feedback from the citizens on the City's response.

Council Member Coleman stated that many citizens were impressed to have received a message from the Mayor during the storm and she thanked him for doing so.

Councilman Willingham thanked the staff. He stated the updates he received were very informative. The plans and organization were also very impressive.

Councilman Bittner echoed the comments about the employees doing such a good job and he also appreciated the updates furnished by the Manager in keeping everyone posted. He still had debris in front of his house, but felt the staff was doing a great job in cleaning up.

Mayor Pro-Tem Lazzara also thanked the staff. He visited the EOC during the storm and felt the communication process in getting information out in various forms, not only to Council, but to the citizens such as emails, G-10 updates, and phone calls, was very good. The City's communication with the newspapers in getting information out on storm response and debris cleanup was also good.

Mr. Woodruff stated that the leadership given by Mayor and Council during the storm was appreciated. It was a team effort with staff from various departments at City Hall round-the-clock. One of the real assets was that communications came from City government in various fashions. The fact that the Connect CTY program could be used was essential. For any citizen that did not get the call from the Mayor, Mr. Woodruff urged them to go to the City's website and sign up for the service.

PARKWOOD STORM WATER PROJECT

Mayor Pro-Tem Lazzara commended Wally Hansen and his crew for securing property and making sure no construction material or equipment was left out that could damage any of the residences near the Parkwood Storm Water site. They worked very hard to clean up the area before the storm.

DAILY NEWS COMMENTS

Councilman Willingham stated the Daily News reported that he claimed to have accomplishments that he did not have. It was disturbing to be publicly accused of something untrue. When he said he was the first black quarterback in ninth grade at Jacksonville High School it was actually Jacksonville Junior High School. The point of his comment was that he has been trying to do positive things all his life. He had been involved in some barrier breaking and that was the point. It was important to remember that there was a price for being first. He was very sensitive to the allegations and he had documented that he was telling the truth.

Councilman Willingham provided a report with a detailed response to be included in the minutes for historical record, herein attached to the official minutes as Exhibit B.

DEBRIS REMOVAL

Mr. Woodruff stated there were thousands of residents affected by the hurricane and over 2,000 large trees (not including Bradford Pear and Crepe Myrtle trees) were down through the City. Almost 20,000 cubic yards of debris had been collected so far, but an estimated 100,000 cubic yards would have to be dealt with in the City alone. City Council authorized extra contractors to help in debris removal, with two beginning work today, and another major contractor later in the week. The goal was to have everything picked up within the City by October 15, 2011.

The debris could only be picked up if it was at the curb. The City was blessed in having Governor Beverly Perdue press the federal government to get the declarations needed to qualify the county and city for federal government assistance. In time, the federal government would pay 75% of the clean-up cost and the state would pay 25%. It was estimated that the cost to clean up the City would be between \$750,000 to \$1,000,000 and this was only a category 1 storm. We were fortunate that it wasn't a category 2 storm or worse. Citizens needed to finish the cleaning of their property in a fashion that would allow the City to come through in only one or two sweeps.

Mr. Woodruff asked Council if they would authorize the suspension of the City Code requirements on landscaping material. The City Code stated how much could put at the curb at one time. The suspension would allow citizens to put out as much debris as they needed to.

Councilman Bittner stated that the suspension should be a part of emergency conditions. It was the consensus of Council to authorize the request.

Mayor Phillips asked that G-10 be used, as well Connect CTY, to get this message out. Mr. Woodruff stated it would be done.

Mr. Woodruff stated that FEMA would be opening their office in Jacksonville at the old Navy Federal building on South Wilmington St. (Hwy 17). Anyone who needed individual assistance could go there, but FEMA suggested that the 1-800 number be called first to get the process started before going into the office.

Mr. Woodruff asked that anyone who had debris in front of their house to park their car as far away from the debris as possible to allow collection crews in as well as the street sweepers after the debris crews had picked up.

PATRIOT DAY 2011

Mr. Woodruff stated that this coming Sunday, September 11 was the 10th anniversary of 9/11. There would be many events happening in the City to commemorate the event. At 8:15 AM there would be a ceremony at Lejeune Memorial Garden, at noon there would be a memorial bell event conducted by the Franciscans of Silver Spring, Maryland at Lejeune Memorial Garden, and at 2:00 PM the Civic Affairs Committee would be hosting a community wide observance at Northside High School.

CLOSED SESSION

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously approved to recess the Regular Meeting at 8:36 PM in order to convene a Closed Session for the purpose of discussing personnel matters, pursuant to General Statute 143-318.11, subsection (a-6) and discussing the property acquisition of 15 Newberry Street and properties between Old Bridge St., Highway 17 and the New River as previously discussed by Council, pursuant to General Statute 143-318.11, subsection (a-5).

RECONVENE

Mayor Phillips reconvened the Regular Meeting at 9:40 PM.

Councilman Bittner, as chairman of the evaluation committee, reported that Council was unanimous in its opinion that the City Manager had performed exceptionally well, meeting all expectations of when he was hired. He had proven himself as a leader and activist in the community and facilitator among the Council to get things done, and was a goodwill ambassador throughout the community.

In accordance with his performance, a motion was made by Councilman Bittner, seconded by Councilman Willingham and unanimously approved to provide the City Manager a salary increase of 2%, increase in the car allowance of \$100 per month and increase in vacation allowance of an additional week per year, retroactive to July 1, 2011.

ADJOURNMENT

A motion was made by Councilman Willingham, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 9:41 PM.

COUNCIL MINUTES

EMERGENCY MEETING

September 9, 2011

An emergency meeting of the City Council of the City of Jacksonville was held Friday, September 9, 2011 beginning at 3:00 PM in Council Chambers of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, and Bob Warden. Councilman Jerome Willingham was unable to attend. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Grant Sparks, Public Services Director; and Carolyn Lampe, Deputy City Clerk. City Attorney John Carter was out of town at a City Attorney's Conference. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 3:00 PM.

WELCOME

Mayor Phillips recognized W.C. Jarman, Onslow County Board of Commissioners Chairman, who was in attendance.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously approved to adopt the agenda as presented.

AWARD OF A CONTRACT FOR HURRICANE IRENE DEBRIS REMOVAL

Richard Woodruff, City Manager, informed the public that the advertising and notification requirements were met for an emergency meeting. This morning between 8:35 AM and 8:53 AM, each Council member was polled and agreed to hold and attend the emergency meeting.

Mr. Woodruff stated that competitive bids were obtained in June 2009 and awarded to MSM Services, LLC for the Construction, Demolition and Vegetative Debris Removal and Disposal contract in the event a natural disaster occurred. This contract established a unit cost with a Notice to Proceed to be executed in the event their services were needed. Unfortunately,

MSM Services was unable to obtain the necessary licensing and bonds to fulfill their obligation under their contract. A determination was made that staff had to look at other alternatives. This week Ron Massey, Assistant City Manager, and other staff members worked with FEMA and State representatives to determine what options were available to the City. Through those discussions, both FEMA and the State were comfortable with proceeding on a contract with a new vendor.

The City was utilizing the contract that the Onslow County staff awarded through a competitive bid process. Onslow County solicited competitive bids for the Disaster Debris Clearance and Removal Services (Proposal No. 001-11) in April 2011. Their contract was awarded to CrowderGulf who offered to extend the same terms and conditions to the City of Jacksonville. The City's contract was smaller in scope of work and was for the specific purpose of vegetation loading and hauling. The exact same fee schedules in the County contract would apply to the City. The County Commissioners agreed that the County contract would cover the weighing, burning and final disposal of the debris after it passed through the landfill gates.

Mr. Woodruff asked Council to authorize the service contract with CrowderGulf. The contract would be adopted exactly as the County had negotiated and would be in effect for five years; however, the City could terminate the contract with a 30 day notice. Council was given time to review the contract.

Mr. Woodruff added that the necessary fiscal action was taken by Council to amend the budget for debris removal earlier in the week during the regular Council Meeting. Because the Federal government designated Onslow County as a Category "A" authorization, they would cover 75% of the final eligible cost. In addition, State Representative Sheppard forwarded to Mr. Woodruff an email that stated the State agreed to pick up the other 25%. That did not mean the City would not have any cost, but all documented costs for Irene recovery would be covered 75% through the Federal and 25% through the State.

Councilman Bittner asked if the proposed contract was based on an hourly rate or volume. Mr. Woodruff stated it was based upon volume at a rate of \$7.00 per cubic yard which covered all labor, equipment, insurance, expenses, etc.

Mr. Woodruff clarified that if Council agreed to the contract, it did not mean that City crews would not be out. CrowderGulf understood that and it was not a problem. It was important to get the City of Jacksonville clean as soon as possible. The City had been doing

short hauls to two areas in the City. CrowderGulf agreed to haul debris from the front of residences to the landfill and to also take the debris from the short hauls sites out to the landfill. Their crews were already on the way and could start Monday morning.

Mayor Phillips asked if there were any conflicts with local government financing laws under statutes. Mr. Woodruff stated that a service contract did not require competitive bidding. From staff's standpoint, this was a service contract and the City could contract directly with them. However, FEMA required any type of contract where reimbursement was expected to come through a competitive process. That was why a competitive process was held two or three years ago and the County held their competitive process this past year.

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara and unanimously approved to award a contract to CrowderGulf Joint Venture, LLP under the same terms and conditions of the Onslow County Contract RFP 001-11 Emergency Disaster Debris Removal Services and modifications approved therein.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 3:12 PM.



Request for City Council Action

Consent
Agenda Item:
Date: 9/20/2011

1

Subject: Authorization to Condemn Financial Guarantee
Department: Public Services/Engineering
Presented by: Tom Anderson
Presentation: No

Issue Statement

As directed by Council, staff is requesting authorization to process condemnation of the financial guarantee held by the City if the developer is unable or unwilling to extend the Surety Agreement.

Financial Impact

None.

Action Needed

To authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement.

Recommendation

Staff recommends that Council move to authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Staff Report

Consent
Agenda
Item:

1

Authorization to Condemn Financial Guarantees

Introduction

In order to keep sureties and agreements current, Staff needs permission from Council to extend or condemn expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees.

Procedural History

The City's Subdivision Ordinance stipulates how the City handles Subdivision Agreements, their warranty periods and the financial guarantees related to that project. City Council must authorize the extension of an agreement or warranty period and/or give authorization to condemn financial guarantees. The following subdivision has an agreement that soon will be expiring:

<u>Project Name</u>	<u>Expiration Dates</u>	<u>Amount</u>	<u>Extension</u>
King's Drive Thru	AGR: 11/18/2011 CASH	\$12,000.00	2 nd

Definitions:

LOC:	Letter of Credit	WAR:	Warranty	AGR:	Agreement
CD:	Certificate of Deposit	SIDE:	Sidewalk Agreement	BND:	Bond

King's Drive Thru – The agreement will expire November 18, 2011.

Stakeholders

- Developers: Mr. Ronnie Henderson
- Residents of the City of Jacksonville

Options

Approve: Authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to extend the Surety Agreement. **(RECOMMENDED)**

Pro: City may process condemnation of the financial guarantee in order to complete infrastructure.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.

Deny: Take no action

Pro: Taking no action on this item offers no advantage to the City.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.



Request for City Council Action

Consent
Agenda
Item: **2**
Date: 9/20/2011

Subject: Budget Amendment- 2011 Edward Byrne Justice Assistance Grant (JAG)
Department: Police
Presented by: Chief Mike Yaniero
Presentation: No

Issue Statement

The Police Department is requesting adoption of a Budget Amendment to appropriate the funding of the 2011 Edward Byrne Justice Assistance Grant (Non-Recovery Act). The City of Jacksonville has been awarded \$28,847 in funding for the purchase of equipment to improve police operations.

Financial Impact

The grant award is \$28,847 and does not require a City match.

Action Needed

Accept grant and adopt the Budget Amendment

Recommendation

Staff recommends adoption of the Budget Amendment

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Budget Amendment



Staff Report

Consent
Agenda
Item:

2

Budget Amendment -Edward Byrne Justice Assistance Grant 2011

Introduction

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Non Recovery) is the primary provider of federal criminal justice funding to state and local jurisdictions. The staff discussed a number of challenges the Police Department faces and how to use these grant funds to improve the overall operations of the Police Department. Based upon these discussions, the department identified three priorities where this program would improve the overall operations. These areas include the purchase of K-9 with training for the dog and officer, safety equipment for the officers and equipment to support public safety operations at major events.

Priority #1: In order to improve the capabilities of the patrol officers in the field, staff recommended the purchase of a K-9 dog and training for the dog and handler. The department currently utilizes two K-9 teams that detect and locate narcotics and perform patrol functions including tracking, building searches, article searches and criminal apprehension. Expansion of our existing K-9 program would greatly improve the capabilities of our patrol officers in the field and provide a valuable tool in maintaining public safety in the City.

Priority #2: Staff is also proposing the purchase of a tactical ballistic shield and tactical video system. A tactical ballistic shield would enable initial responders to act swiftly and effectively. The shield would be invaluable anytime there is a shooter, a barricaded suspect, a suicidal person or any incident in which police officers need to gain entry quickly to suppress a potentially lethal situation. The shield would provide protection against high powered threats for law enforcement during SWAT or tactical situations. The video system would allow officer to use video conduct surveillance on high risks situations safely. The use of this equipment would not only protect the SWAT Team officers, but also provide for a safer community.

Priority #3: The Jacksonville Police Department has a Mobile Command Center available for handling public safety operations at major events as well as for crisis management. The vehicle can be used at all events involving public safety services, either police or fire. The vehicle can act as a base of operations for a critical incident or as a means of crowd control for a local parade. It can also be used in high-crime areas to coordinate operations or even as a mobile substation. All of these applications can help bring a strong police presence into the community. Emergencies require close coordination between City departments, outside agencies, and mobilization of personnel and equipment. A mobile command center provides communication and computers and a central location near emergency sites to conduct operations, coordinate assignments and interface with the

community, media and other supporting agencies. This Mobile Command Center can be utilized for major fires, critical response and hostage negotiation, natural and other disasters, searches, and large-scale events. The vehicle was recently used during the very successful Run for the Warriors event. Staff has identified several technology items that would improve the operations during public events. Outfitting the vehicle with improvements would provide strengthen the capabilities of the Mobile Command Center.

During their June 25, 2011 meeting, Council authorized staff to apply for the grant funding.

Procedural History

- May 24, 2011 - Edward Byrnes Justice Assistance Grant was released.
- May 25, 2011 – Police staff meet to identify areas where JAG allocation could improve overall operations of the Police Department
- June 25, 2011– Public comment and council authorization to apply for grant received
- July 14, 2011 – Grant Submitted
- August 30, 2011 – Notification of Award
- September 20, 2011 – Request adoption of budget amendment.

Stakeholders

- Citizens of Jacksonville
- Police Department
- Fire Department
- Public Works

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2012 Jag Grant (non-ARRA) Project is hereby enacted:

JAG GRANT (NON-ARRA) - PD1201

REVENUES	BUDGET	CHANGE	TOTAL
JAG GRANT AWARD	-	28,847	28,847
TOTAL ADJUSTMENTS		28,847	
TOTAL PROJECT REVENUES	-	28,847	28,847
EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	-	28,847	28,847
TOTAL ADJUSTMENTS		28,847	
TOTAL PROJECT EXPENDITURES	-	28,847	28,847

The purpose of this budget amendment is to establish the Jag Grant (non-ARRA) Project budget.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 20th day of September 2011.

ATTEST:

Sammy Phillips, Mayor

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

**Consent
Agenda
Item:** **3**
Date: 9/20/2011

Subject: Voluntary Annexation Petition – BHP Western (John Pierce) – 5.57 total Acres- Carolina Forest Area

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

On behalf of BHP Western, John Pierce, managing partner, has submitted a voluntary annexation petition for annexation of 5.57 total acres that are contiguous to the current City limit boundaries. Tract one (2.05 acres) is located adjacent to Carolina Forest Blvd across from The Arbors in Carolina Forest. Tract two (3.52-acres) is located adjacent to Emerdale Apartments in Carolina Forest. Both tracts are planned to add acreage to a larger project proposed for abutting property that is already inside the City limits.

The future project is tentatively proposed to accommodate a six building/88 unit 94,839 square foot apartment complex.

The first step in the Voluntary Annexation process is to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

Action Needed

Consider Voluntary Annexation Petition

Recommendation

Staff recommends Council move to adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Annexation Petition
- B Proposed Resolution
- C Location Map



Staff Report

Consent
Agenda
Item:

3

Voluntary Annexation Petition BHP Western (John Pierce) Carolina Forest Area– 5.57 Acres

Introduction

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

Tract one (2.05 acres) is located adjacent to Carolina Forest Blvd across from The Arbors in Carolina Forest. Tract two (3.52-acres) is located adjacent to Emerdale Apartments in Carolina Forest. Both tracts are planned to add acreage to a larger project proposed for abutting property that is already inside the City limits.

The future project is tentatively proposed to accommodate a six building/88 unit 94,839.14 square foot apartment complex.

Procedural History

- September 20, 2011 – Council will consideration a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- October 3, 2011 – Proposed date for Council to consider a Resolution scheduling a future Public Hearing.
- October 18, 2011 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- October 18, 2011 – Proposed Effective Date of Annexation Ordinance.

Stakeholders

- BHP Western – John Pierce - Property owner/petitioner
- Citizens of Jacksonville

Options

- Pass the Resolution Directing Staff to Investigate Sufficiency of the Voluntary Annexation Petition – **RECOMMENDED**.
Pros: The site is contiguous to the current corporate limits and is proposed for future development;
Cons: None

- Deny the Resolution Directing Staff Investigate the Sufficiency of the Petition –
Pros: None
Cons: This action would conflict with past actions associated with contiguous property proposed for development;
- Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

PETITION FOR ANNEXATION

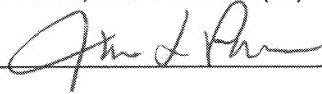
DATE September 6, 2011

TO THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, NORTH CAROLINA:

1. I/We, the undersigned owner(s) of real property hereinafter described, respectfully request that the area described below be annexed to the City of Jacksonville, in accordance with the provisions of Section 160A-31 of the General Statutes of North Carolina.
2. The area to be annexed is contiguous to the corporate limits of the City of Jacksonville, North Carolina, and the boundaries of such territories are as described below.

OWNER SIGNATURE(S), NAME(S) PRINTED OR TYPED, AND ADDRESS(ES)

BHP Western - John Pierce/Managing Partner



P.O. Box 1685

Jacksonville, NC 28541

PROPERTY DESCRIPTION

SEE ATTACHED MAP AND LEGAL DESCRIPTIONS

Attachment

A

RESOLUTION (2011-)

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31

BHP WESTERN (JOHN PIERCE) 5.57 Acres

WHEREAS, a petition requesting annexation of an area described in said petition has been received on September 20, 2011 by the Jacksonville City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Jacksonville deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the City Council the result of her investigation.

Adopted by the Jacksonville City Council in regular session this 20th day of September, 2011.

Sammy Phillips, Mayor

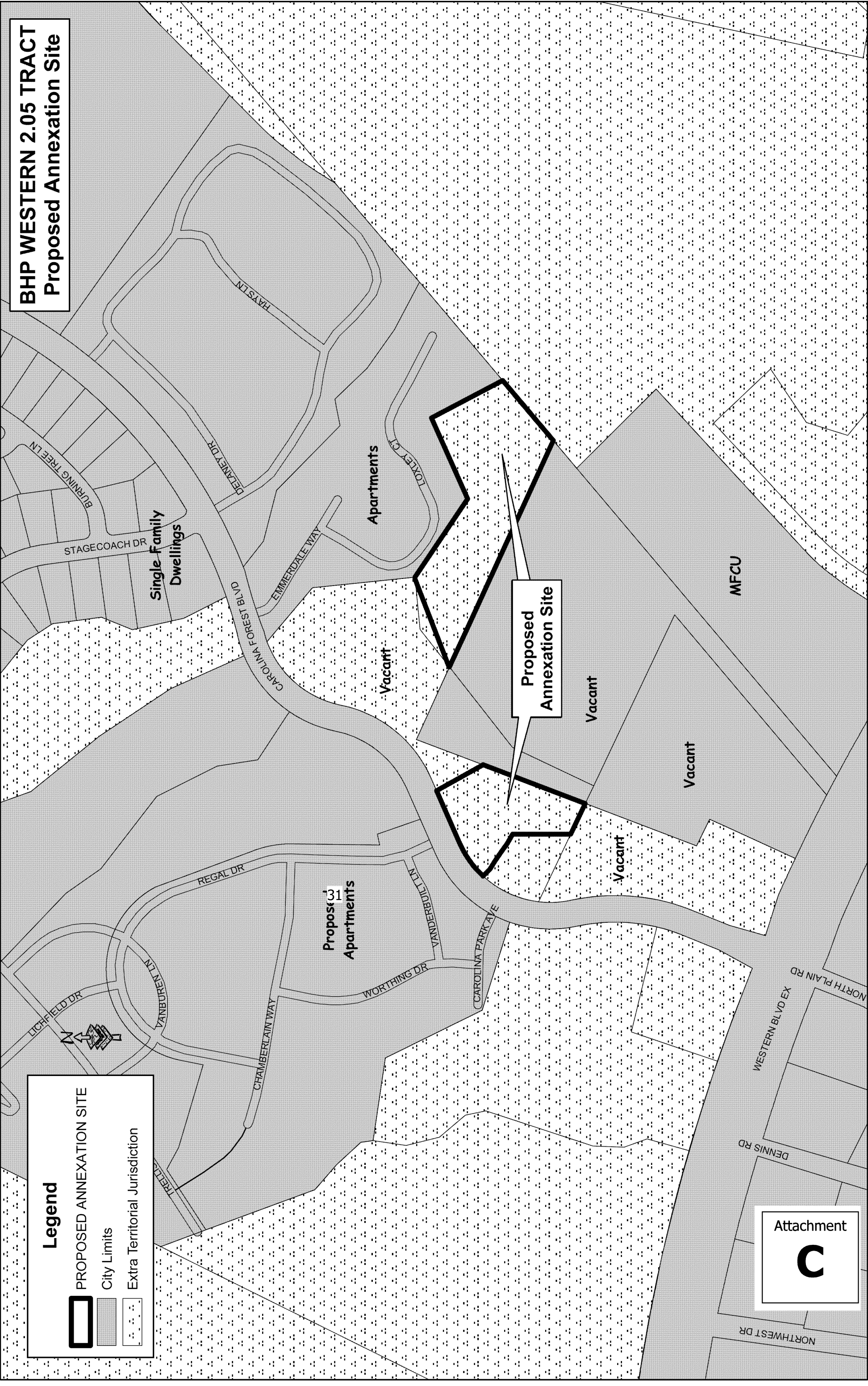
ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B

BHP WESTERN 2.05 TRACT
Proposed Annexation Site



Legend

- PROPOSED ANNEXATION SITE
- City Limits
- Extra Territorial Jurisdiction



Request for City Council Action

**Consent
Agenda
Item:** **4**
Date: 9/20/2011

Subject: Tax Releases, Refunds, and Write-Offs

Department: Finance

Presented by: Gayle Maides, Assistant Finance Director

Presentation: No

Issue Statement

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes as attached. The detail list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) is available in the Finance Office for review.

Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$29,417.81, \$3,873.42, and \$181.54 (\$33,472.77).

Action Needed

Review the tax releases, refunds and write-offs.

Recommendation

Staff recommends Council approve the tax releases, refunds and write-offs.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Tax Releases, Refunds, and Write-offs



Staff Report

Consent
Agenda
Item:

4

Tax Releases, Refunds, and Write-Offs

Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$29,417.81, \$3,873.42, and \$181.54 (\$33,472.77).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.

TAX RELEASE SUMMARY

JULY 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2011	101-0000-111-0000	0.005380	8,523.80	8,286.08	16,809.88	1,584,349.44
2010	101-0000-111-1000	0.005380	9,947.45	55.52	10,002.97	1,848,968.40
2009	101-0000-111-1000	0.006260	1,665.88	43.12	1,709.00	266,115.02
2008	101-0000-111-1000	0.006260	469.59	33.17	502.76	75,014.38
2007	101-0000-111-1000	0.005316	159.12	15.91	175.03	29,932.28
2006	101-0000-111-1000	0.005900	193.20	24.97	218.17	32,745.76
2005	101-0000-111-1000	0.005900			-	-
2004	101-0000-111-1000	0.005900			-	-
2003	101-0000-111-1000	0.005900			-	-
2002	101-0000-111-1000	0.005900			-	-
2001	101-0000-111-1000	0.005900			-	-
TOTAL			20,959.04	8,458.77	29,417.81	3,837,125.28

'01-10	12,607.93
2011	16,809.88

TAX REFUND SUMMARY

JULY 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2011	101-0000-311-0000	0.005380	71.86			71.86	13,356.88
2010	101-0000-311-0000	0.005380	995.33	4.95	14.37	1,014.65	185,005.58
2009	101-5000-412-2000	0.006260	939.21		48.26	987.47	150,033.55
2008	101-5000-412-2000	0.006260	757.26		14.48	771.74	120,968.05
2007	101-5000-412-2000	0.006260	505.26		1.22	506.48	80,712.46
2006	101-5000-412-2000	0.005316	476.11		3.14	479.25	80,696.61
2005	101-5000-412-2000	0.005900	40.92	-	1.05	41.97	6,935.59
2004	101-5000-412-2000	0.005900	-	-	-	-	-
2003	101-5000-412-2000	0.005900	-	-	-	-	-
2002	101-5000-412-2000	0.005900	-	-	-	-	-
2001	101-5000-412-2000	0.005900	-	-	-	-	-
TOTAL			3,785.95	4.95	82.52	3,873.42	637,708.71

TAX WRITE-OFF SUMMARY**JULY 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2011	101-0000-111-0000	0.005380	177.84	-	177.84	33,055.76
2010	101-0000-111-1000	0.005380	3.70	-	3.70	687.73
2009	101-0000-111-1000	0.006260	-	-	-	-
2008	101-0000-111-1000	0.006260	-	-	-	-
2007	101-0000-111-1000	0.005316	-	-	-	-
2006	101-0000-111-1000	0.005900	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	-	-	-	-
2003	101-0000-111-1000	0.005900	-	-	-	-
2002	101-0000-111-1000	0.005900	-	-	-	-
2001	101-0000-111-1000	0.005900	-	-	-	-
TOTAL			181.54	-	181.54	33,743.49

'2001-2010	3.70
2011	177.84



Request for City Council Action

Consent
Agenda
Item: **5**
Date: 9/20/2011

Subject: Approval of Revised Leachate Agreement with Onslow County

Department: City Manager's Office

Presented by: John T. Carter Jr.

Presentation: No

Issue Statement

The Leachate Agreement with Onslow County has expired and the City has been working with them to renew the agreement. The change in the agreement is a not to exceed amount of \$100,000 in any one year period. The City and County worked together to include additional language that states the owner will execute a change order authorizing an increase if necessary. The agreement will renew for a period of 5 years.

Financial Impact

The City will bill the County for wastewater treatment of the County landfill leachate at 200% inside the city rates in effect at time of billing. The City will also receive a surcharge if the leachate quality exceeds the acceptable limits outlined in the agreement.

Action Needed

Approval of New Leachate Agreement

Recommendation

Staff recommends Council approve the new leachate agreement

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Leachate Agreement

SEWER SERVICE AGREEMENT

Onslow County Sanitary Landfill

This Agreement sets forth conditions, covenants, understandings and considerations of a contract by and between the City of Jacksonville (hereinafter referred to as “CITY”) and County of Onslow (hereinafter referred to as “OWNER”) to provide sanitary sewer service to the OWNER’s property located at 415 Meadowview Road, Jacksonville, North Carolina which is used for the purpose of solid waste disposal (landfill).

A. Acknowledgments

The OWNER affirms and acknowledges the following facts and understandings:

1. The site for which sewer service is requested is used for the purpose of solid waste disposal and the OWNER has constructed a “Subtitle D” (lined) sanitary landfill. The site is located outside of the current City Limits of the City of Jacksonville.
2. The lined portion of the landfill facility generates landfill leachate, the liquid that drains from compacted solid waste.
3. Landfill leachate is highly variable in quality and routine testing will be required to confirm compliance with the CITY’s Sewer Use Ordinance (Ordinance 26-102).
4. OWNER has requested authorization to dispose of landfill leachate in the CITY’s wastewater treatment facility, specifically the CITY’s Land Treatment System (LTS) located at 716 Firetower Road. The nature of the treatment provided by the LTS makes it sensitive to waste with high concentrations of certain compounds (ammonia-nitrogen, chlorides & heavy metals). In addition to landfill leachate, CITY will accept waste water produced by the Scale House which will not exceed 50 gallons per day.
5. The OWNER delivers leachate to the CITY’s treatment facility via a pumping station and force main.
6. Acceptance of leachate by the CITY will not require initiation of a North Carolina Division of Water Quality (DWQ) sanctioned Pretreatment Program at this time. The possibility exists, however, that DEM will require initiation of such a program in the future as a direct result of acceptance of leachate or other industrial wastewater.

B. The OWNER agrees that:

1. The cost associated with delivery of landfill leachate to the CITY’s wastewater treatment facility shall be borne entirely by the OWNER, regardless of whether delivery is in the form of hauling or pump station/force main.

Attachment

A

2. Any and all required permits, encroachments, easements, etc. required for transport of leachate shall be obtained by the OWNER. The CITY shall not be a party to any private easements, agreements, etc. which may be required for leachate delivery.
3. Any physical damage to the CITY's treatment facilities resulting from transport of leachate (i.e. damage to roads, structures, existing utilities, etc.) shall be corrected by the OWNER at his expense and the resulting repairs shall be acceptable in all respects to the CITY.
4. OWNER agrees to comply with the CITY's Ordinances and Policies regarding sewer use and limit the discharge rate from this connection to a monthly average of 35,000 gallons per day. If additional pretreatment facilities are required to conform with the CITY's Sewer Use Ordinance (26-102), the OWNER hereby agrees to install such facilities. All costs associated with construction and operation of said pretreatment facilities shall be borne entirely by the OWNER.
5. All leachate discharged to the CITY's treatment facility shall conform to the CITY's Sewer Use Ordinance (26-102) as amended and the Wastewater Acceptance Policy, included therein by reference (copy attached as Exhibit "A"). The OWNER shall provide water quality testing of leachate samples to confirm conformance with the Sewer Use Ordinance as follows:

<u>Parameter</u>	<u>Batch ⁽¹⁾</u>	<u>Continuous ⁽²⁾</u>	<u>Allowable Maximum Concentration</u>
	<u>Sampling Frequency</u>	<u>Sampling Frequency</u>	
BOD	1 per batch	1 per week	per Wastewater Acceptance Policy
COD	1 per batch	1 per month	monitoring only
TSS	1 per batch	1 per month	per Wastewater Acceptance Policy
NH3-N	1 per batch	1 per month	per wastewater Acceptance Policy
Nitrate-Nitrogen	1 per batch	1 per month	monitoring only
Nitrite-Nitrogen	1 per batch	1 per month	monitoring only
pH	1 per batch	1 per day	per Wastewater Acceptance Policy
Cyanide	1 per batch	1 per month	per Wastewater Acceptance Policy
Arsenic	1 per batch	1 per month	per Wastewater Acceptance Policy
Cadmium	1 per batch	1 per month	per Wastewater Acceptance Policy
Total Chromium	1 per batch	1 per month	per Wastewater Acceptance Policy
Copper	1 per batch	1 per month	per Wastewater Acceptance Policy
Lead	1 per batch	1 per month	per Wastewater Acceptance Policy
Mercury	1 per batch	1 per month	per Wastewater Acceptance Policy
Molybdenum	1 per batch	1 per month	per Wastewater Acceptance Policy
Selenium	1 per batch	1 per month	per Wastewater Acceptance Policy
Zinc	1 per batch	1 per month	per Wastewater Acceptance Policy
Nickel	1 per batch	1 per month	per Wastewater Acceptance Policy
Mercury	1 per batch	1 per month	per Wastewater Acceptance Policy
Magnesium	1 per batch	1 per month	monitoring only
Sulfate	1 per batch	1 per month	monitoring only
Potassium	1 per batch	1 per month	monitoring only
Calcium	1 per batch	1 per month	monitoring only
Manganese	1 per batch	1 per month	monitoring only
Chlorides	1 per batch	1 per month	monitoring only
TOC	1 per batch	1 per month	monitoring only

- (1) Batch disposal includes periodic disposal by tanker truck. A batch is defined as the contents of one (1) 356,000 gallon storage tank at the County Landfill facility.
- (2) Continuous disposal includes uninterrupted disposal by pump station/force main.

Batch disposal should only be used if the pretreatment facility is out of service due to repairs and the OWNER has received permission from the CITY to use batch disposal as an interim measure until repairs are completed. All batches must be sampled, analyzed and numbered, and the analyses reviewed by the CITY prior to pumping into the CITY's Land Treatment Facility. The CITY is under no obligation to accept leachate not meeting the above criteria. Upon collection of adequate data to accurately characterize the strength of the leachate, the CITY reserves the right to relax the monitoring and testing requirements outlined herein.

6. All operation and disposal records as specified in Condition 4 and all monitoring data as specified in Condition 5, and any other data as may be required shall be submitted monthly or within thirty (30) days of the end of the reporting period to the following address:

**City of Jacksonville
Public Services Department
P.O. Box 128
Jacksonville, NC 28541-0128**

7. The cost of sampling as outlined herein shall be borne entirely by the OWNER. Furthermore, the OWNER hereby agrees to bear any additional sampling costs associated with initiation by the CITY of a Pretreatment Program should such a program be required in the future.
8. The OWNER agrees to participate in the costs associated with initiation of a CITY Pretreatment Program should such a program be required in the future. The amount of financial participation shall be prorated on the basis of flow, or other mutually agreeable cost sharing arrangement.
9. The OWNER will pay for sewer service at a rate equal to two hundred percent (200%) the inside rate in effect at the time of billing. Sewer bill shall include a capacity charge based on an equivalent water meter size required to deliver the anticipated maximum flow rate of 54,000 gallons per day (1" meter). The sewer bill shall also include a volume charge based on the volume of flow actually delivered to the CITY's treatment facility over the billing period. Volume shall be computed on the basis of: 1) flow meter installed on treatment or pumping facilities, or if the pumping station is out of service 2) number of tanker trucks actually discharged to the treatment facility during the billing period.
10. It is anticipated that leachate quality will conform to the CITY's Sewer Use Ordinance (26-102) and the Wastewater Acceptance Policy; however, landfill leachate is highly variable and may exceed the acceptable limits outlined above. In the event that leachate exceeds the maximum allowable concentration of one or more of the parameters to be

monitored, the CITY agrees to accept the waste subject to the following surcharge schedule:

\$410.40 per 1,000 lbs excess (> 220 mg/l) BOD

This surcharge amount is based upon the CITY's actual operational costs associated with treatment of BOD at the Land Treatment Facility. The anticipated compensation for treatment is expected to not exceed \$100,000 in any one year period. If in the event, compensation for treatment exceeds \$100,000 within a one year period, the owner will execute a change order authorizing the increase.

11. Due to high levels of zinc, nickel and ammonia in the leachate, the OWNER has constructed a leachate pretreatment facility to remove zinc, nickel and ammonia from the leachate as a part of the Phase II expansion of the disposal area. The pretreatment facility will consist of zinc and nickel removal from the leachate by chemical precipitation and ammonia removal by air stripping. The OWNER is responsible for the efficient operation of the pretreatment facility and will notify the CITY immediately in case of problems which affect the operation of the facility. All discharge of leachate will cease until repairs are completed to the satisfaction of the CITY.
12. It is anticipated that the quantity of leachate will not exceed a monthly daily average of 35,000 gallons per day or a maximum of 54,000 gallons per day. If leachate flows from the landfill facility exceeds a monthly daily average of 35,000 gallons per day or a maximum daily flow of 54,000 gallons, the CITY reserves the right to renegotiate the terms of this agreement. It is hereby agreed that the CITY is under no obligation to accept leachate flows exceeding the above limits if the parties fail to reach consensus when renegotiating the terms of the agreement.
13. The OWNER shall be responsible for maintenance of the pumping station and force main at said facilities. Design pumping rates shall not exceed 100 gallons per minute and any leachate pumped from the OWNER's pump station shall be pumped between the hours of 8:00 am and 5:00 pm. **Monday through Friday. Any deviation from this schedule will require prior approval from the CITY.**
14. Any and all damages, fines, penalties, etc. resulting from spills of leachate or other accidents during transport or pumping of leachate to the CITY's treatment facility are the sole responsibility of the OWNER. The OWNER hereby releases the CITY from any liability associated with transport or pumping of leachate and agrees to indemnify and defend the CITY against any such claims. The CITY accepts no responsibility for handling of leachate until such time that leachate is successfully introduced into the CITY's wastewater treatment facility.

15. Any transfers of ownership or operational responsibility of the landfill shall only be made conditional upon acceptance of the terms of this Agreement by subsequent owners/operators. A memorandum of this Agreement shall be filed with the Onslow County Register of Deeds and shall run with the property until the conditions of this Agreement are fulfilled.

C. The CITY agrees that:

1. Leachate from the aforesaid landfill facility may be discharged into the CITY's wastewater treatment facility subject to the conditions outlined herein.
2. The CITY will treat and dispose of leachate discharged by the OWNER to the CITY's treatment system in accordance with the conditions outlined herein.

D. Execution

The OWNER and CITY agree that this Agreement shall become effective on March 1, 2011, the date at which the first Agreement expired, and shall continue until March 1, 2016. The OWNER and CITY agree that this Agreement shall be the basis of sewer service to this property, and that service may be disconnected if the obligations of this Agreement are not met and a new Agreement renegotiated by both parties before the expiration of this contract.

In witness of the provision of this Agreement, the authorized representatives of the OWNER(s) and the CITY have executed this Agreement this _____ day of _____, 2011.

This Agreement shall become effective on March 1, 2011.

This Agreement shall expire on March 1, 2016.

OWNER

ATTEST:

Signature of Clerk

Name Printed

Title

North Carolina
Onslow County

I, _____, a Notary Public for said County and State do hereby certify that _____ personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

CITY

ATTEST:

Signature of City Clerk

Carmen K. Miracle
Name Printed

City Clerk
Title

North Carolina
Onslow County

I, _____, a Notary Public for said County and State do hereby certify that - _____ personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

Exhibit "A"

WASTEWATER ACCEPTANCE POLICY

I. PURPOSE OF POLICY

The purpose in this policy is to set forth specific limitations on the concentration, content, characteristics or volume flow of certain substances, materials or discharges allowed to be discharged into the City sanitary sewers.

II. DEFINITIONS

The following definitions of words and abbreviations are exactly as they appear in the City's Sewer Use Ordinance. They are repeated in this section for your convenience.

Ammonia Nitrogen (NH₃): The total free ammonia nitrogen measured as nitrogen and expressed in milligrams per liter.

BOD (denoting biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty degrees (20) celsius (sixty-eight (68) degrees fahrenheit), expressed in milligrams per liter.

City: The City of Jacksonville, North Carolina

Domestic Sewage: The liquid waste normally received from bathrooms, toilet rooms, kitchens, and home laundries. Domestic wastewater shall mean wastewater that has a BOD concentration of not more than 220 mg/l, a suspended solids concentration of not more than 220 mg/l and an ammonia nitrogen concentration of not more than 40 mg/l.

Industrial Waste: The liquid wastes, other than domestic sewage, resulting from processes or operations employed in a user's establishment.

mg/l: milligrams per liter

Publicly Owned Treatment Works (POTW): a treatment works as defined by section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the City. This definition includes any devices and systems and used in the collection, storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes intercepting sewers, outfall sewers, collection systems, pumping, power, and other equipment, and their appurtenances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewer that conveys wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

Suspended Solids: The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering, and expressed in milligrams per liter.

User: Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

Wastewater: The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

III. SPECIFIC POLLUTANT LIMITATIONS

Unless authorized by a permit issued under Sec. 26-117 of the City's Sewer Use Ordinance, no person shall discharge wastewater containing pollutants at levels which exceed the levels associated with domestic sewage. For the following parameters, exceeding domestic sewage levels shall mean in excess of:

(1)	arsenic (As)	0.003	mg/l
(2)	cadmium (Cd)	0.003	mg/l
(3)	copper (Cu)	0.061	mg/l
(4)	cyanide (CN)	0.041	mg/l
(5)	lead (Pb)	0.049	mg/l
(6)	mercury (Hg)	0.0003	mg/l
(7)	molybdenum (Mb)	0.050	mg/l
(8)	nickel (Ni)	0.021	mg/l
(9)	selenium (Se)	0.004	mg/l
(10)	total chromium	0.050	mg/l
(11)	zinc (Zn)	0.175	mg/l



Request for City Council Action

Agenda Item:	6
Date:	9/20/2011

Subject: Bid Award – Barrus Lift Station Project

Department: Public Services/Engineering Division

Presented by: Frank Sanders, PE, Project Manager

Presentation: No

Issue Statement

On August 31, 2011, staff received nine bids for the Barrus Lift Station Project which, upon completion, will include the replacement of the existing sewage lift station with a new lift station located on the same site adjacent to the existing station. The new lift station will have three submersible pumps, generator, variable frequency drive and SCADA modifications and upgrades.

Staff recommends award of this project to R.D. Braswell Construction Company of Smithfield, NC based upon a review of the bids received.

Financial Impact

No financial impact since funding for this project has already been approved in the FY2011 Capital Improvement Plan.

Action Needed

To consider approval of the award of a contract to R. D. Braswell Construction Company for the construction of the Barrus Lift Station Project.

Recommendation

Staff recommends Council award the bid to R. D. Braswell Construction Company in the amount of \$625,800.00.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Bid Tabulation Sheet



Staff Report

Bid Award – Barrus Lift Station Project

Introduction

The Barrus Lift Station is an existing “Cantex” pump station located adjacent to Bell Fork Road and Sandy Run Branch. The station was constructed in 1979 and has a pump capacity of 200 gallons per minutes (gpm). The 31 year old pump station is nearing the end of its service life. The “Cantex style” configuration presents issues with confined space entry, maintenance personnel safety and challenges with pump removal.

Additionally, the pump station is located within the 100 year floodway of Sandy Run Branch. The site consistently floods making access to the pump station difficult and a safety hazard to maintenance personnel. These issues and the lack of permanent standby power present reliability concerns and increase the risk of sanitary sewer overflows.

Estimated future dry weather and peak flows from the Piney Green/17 basin development area require an increase in the pumping capacity of this station. The flows resulting from the development of the North Marine Town Center and construction of its regional pump station will be conveyed to Barrus Lift Station exceeding the capacity of the existing system.

The Barrus Lift Station Project consists of the replacement of the existing lift station with a new lift station located on the same site adjacent to the existing station. There is also incidental piping connecting the existing piping to the new lift station. The new lift station will have three submersible pumps (1,075 gpm), generator, variable frequency drive and SCADA modifications and upgrades.

On August 31, 2011, staff received nine bids for the Barrus Lift Station Project. The low bidder is R. D. Braswell Construction Company in the amount of \$625,800. This project was budgeted in the FY11 CIP in the amount of \$982,000.

Stakeholders

- City of Jacksonville residents
- Visitors to the City

Options

Option 1: Award the Bid to R. D. Braswell Construction Company in the amount of \$625,000. **RECOMMENDED**

- Pros: Funding for this project has already been established which would allow much needed improvements to this station and allow future development to continue in this sewer basin.
- Cons: None.

Option 2: Reject all bids and direct staff to rebid the project.

- Pros: None.
- Cons: The delay of this project could effect future development in the Piney Green/Hwy 17 corridor due to the station's inability to accept additional sewer capacity.

Bid Tabulation Summary


Name of Project: **Barrus Lift Station Upgrade Project**

Bid Opening Date: **August 31, 2011**

<u>Contractor's Name</u>	<u>Bid Amount</u>
R. D. Braswell Construction Co.	\$625,800.00 *
James E. Harris Construction Co.	\$678,041.25 *
Herring-Rivenbark, Inc.	\$750,203.50 *
Water & Waste Systems Construction, Inc.	\$757,345.00 *
TA Loving Company	\$777,068.00
Step Construction, Inc.	\$781,213.64 *
Trader Construction Co.	\$860,025.00
Laughlin-Sutton Construction Co.	\$966,806.40 *
Wateree Construction Co., Inc.	\$1,857,980.00 *

*Mathematical errors in bid price; therefore, unit price prevails.

I certify that this is a true and accurate tabulation of the bids received.


Carmen K. Miracle, City Clerk



9/13/2011
Date

Attachment

A



Request for City Council Action

Agenda Item:	7
Date:	9/20/2011

Subject: Bid Award – FY11/12 Street Reclamation Project

Department: Public Services/Engineering Division

Presented by: Frank Sanders, PE, Project Manager

Presentation: No

Issue Statement

On Friday, September 16, 2011, staff will receive bids for the FY11/12 Street Reclamation Project for 14 streets which, upon completion, will include pavement reclamation of approximately 48,000 square yards of existing roadway, replacement/installation of approximately 1,050 linear feet of concrete curb and gutter and 600 square yards of driveway entrances, replacement of underground traffic signalization control wires at two intersections and other associated work.

Due to the bid opening occurring after the Council agenda packet completing, Staff will provide the bid results and recommendation for award at the September 20 Council meeting.

Financial Impact

No financial impact for the Base Bid since funding for this project has already been approved in the FY2011 and FY2012 Capital Improvement Plans.

No financial impact for the three Add Alternates since funding has already been established in an existing project and would be transferred to the FY2012 Capital Improvement Project.

Action Needed

Consider approval of the award of a contract for the construction of the FY11/12 Street Reclamation Project.

Recommendation

Bid results and recommendation will be provided at the September 20 Council meeting.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Staff Report

Bid Award – FY11/12 Street Reclamation

Introduction

Design began on the streets identified in the FY2011 Capital Improvement Plan last year which includes: London Court, Twinwood Drive, Brookdale Place, Forest Grove Avenue, East Saltwood Place, Fifth Avenue, Twinwood Court, Meadowview Court and Ramona Avenue. During the design process, staff was asked to include the FY2012 streets to allow for these streets to be paved during the same period. These streets include Kevin Court, Northwood Drive Section I and II, Sandy Drive, Memorial Drive and Davis Street.

Through conversations with the Streets, Utilities Maintenance, and Engineering Divisions, it was decided that some of the identified streets should be removed from the current list due to: 1) Proximity of current construction projects where paving was already scheduled to occur (section of Northwoods Drive); 2) Conditions of the underground utilities (Kevin Court); or 3) Inclusion as part of the Annual Street Maintenance Program (Forest Grove Avenue).

Additional streets were bid as Add Alternates based upon their current deteriorated condition (Doris Avenue and Plantation Boulevard) or lack of paving (South Shore Drive).

Staff bid the FY11/12 Street Reclamation project as a Base Bid consisting of the modified list in the CIP, as discussed above, and three separate Add Alternates. Funding for the Base Bid has been established with the CIP.

Staff is recommending that funding for the three Add Alternates be transferred from an existing approved project; therefore no additional appropriation is required. In years past, the City contributed funds each fiscal year for the rehabilitation of streets and installation of sidewalks in the one overall project account. Any surplus of funds resulting from a difference in the actual cost of construction and the budgeted amount for that fiscal year was left in this project account. We have recently begun creating new projects accounts each fiscal year for street rehabilitation and the installation of sidewalks so that the City can easily track the status of these CIP projects. Staff is requesting that funding for the Add Alternates that is available in existing overall project account for street reclamation be used to fund any or all of the Add Alternates.

On September 16, 2011, staff will receive bids for the FY11/12 Street Reclamation Project. Following review of the bids, staff will provide the bid results and recommendation for award at the September 20, 2011 Council meeting.

Stakeholders

- City of Jacksonville residents
- Visitors to the City

Options

Options and recommendation will be provided at the September 20, 2011 Council Meeting.



Request for City Council Action

Agenda Item:	8
Date:	9/20/2011

Subject: Bid Award – Tallman Street and Court Street Road Improvements

Department: Public Services/Engineering

Presented by: Gregory K. Meshaw, PE

Presentation: No

Issue Statement

On Friday, September 16, 2011, staff will receive bids for the Tallman Street and Court Street Road Improvements which, upon completion, will improve the area around the new Justice Center. This project is being completed at the request of the County.

Specifically, the portion of the street immediately adjacent to the Complex will be narrowed so as to preclude parking adjacent to the Center. New sidewalks and planter strips on the north side of Tallman Street will also be constructed and along Court Street from its intersection with Tallman Street northward to the entrance to the County parking lot. All of this work is intended to satisfy the County's desire to narrow Tallman Street adjacent to the Justice Complex to prevent on-street parking while also creating a streetscape that will be consistent with the streetscape to be constructed as part of the City's nearby Center for Public Safety. This project is not currently in the approved CIP and is proposed to be added.

Financial Impact

No additional funds are required. If approved, funds would be transferred from existing funded projects along with funds provided by the County to this new project.

Action Needed

To consider adding the project to the CIP for the construction of the Tallman Street and Court Street Road Improvements Project and awarding a contract.

Recommendation

Bid results and recommendation will be provided at the September 20 Council meeting.

Approved: ☒ City Manager ☐ City Attorney

Attachments:
None



Staff Report

Agenda Item:	8
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Bid Award – Tallman Street and Court Street Road Improvements

Introduction

As the new Justice Complex neared completion, the contractor provided Onslow County with a change order proposal to repave Tallman Street as well as, perform related sidewalk and drainage construction. The County subsequently asked the City to review the proposal received due to the Engineering Division's extensive experience with street reclamation projects. City staff determined that the proposed price for the work described by the proposal seemed to be more than what the City has been paying for similar work. The County subsequently requested that the City execute the project with the understanding that the County would contribute funds towards construction of the project.

Given the County's request, City staff undertook the project. In doing this, the City took on the project with the understanding that the County's goal was to reconstruct the portion of Tallman Street immediately adjacent to the Complex so that it would be narrower so as to preclude parking adjacent to the Center. Upon taking the project, the City was also presented with an opportunity to incorporate aspects into the project that will result in a streetscape which will be consistent with the streetscape to be constructed as part of the City's nearby Center for Public Safety. Accordingly, a design was prepared that satisfies the goal of the County while also taking advantage of the opportunity to incorporate streetscape elements. Bids will be received on Friday, September 16, 2011 to construct the project based upon this design.

Discussion is underway in the development of an interlocal agreement with the County. Based on the initial proposal received by the County's contractor and the City's estimate of probable construction costs, the County has committed a minimum of \$124,000 toward their share of the project cost. The work included is a much larger project (that complies with the Downtown Redevelopment Plan) than that which would have been constructed by the County.

During the engineering and design phase of this project, it was determined that the water line on Tallman Street needed to be replaced prior to the reclamation of this street. Additionally, in evaluating the street condition on Tallman Street, another alternate was added to continue reclamation from the Tax Office to the intersection of River Street. Both of these were added as alternates to the base bid.

Funding

In years past, the City contributed funds each fiscal year for the rehabilitation of streets and installation of sidewalks in the one overall project account. Any surplus of funds remaining between the actual cost of construction and the budgeted amount were left in this project account. We have recently begun creating new projects each fiscal year for street rehabilitation and the installation of sidewalks so that the City can easily track the status of each year's CIP projects. These funds added to the estimate \$124,000 provided by the County will fund the street and sidewalk construction costs. The water main replacement will be funded by the Water and Sewer Fund.

Therefore, staff will be requesting that funds be transferred from this existing approved project to fund this new project. No additional appropriation of funds is required at this time. Additionally, this project needs to be added to the FY12 Capital Improvement Plan.

On Friday, September 16, 2011, staff will receive bids for the Tallman Street and Court Street Road Improvements Project. Following review of the bids, staff will provide the bid results and recommendation at the September 20, 2011 Council meeting.

Stakeholders

- The City of Jacksonville
- Onslow County
- Businesses Owners and Residents along and in proximity to Tallman Street
- Pedestrians and Motorists that utilize Tallman Street

Options

Options and recommendation will be provided at the September 20, 2011 Council Meeting.